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DOCKET NO.: C1039.70035US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 09/669,187  
Confirmation No.: 2999  
Filed: September 25, 2000  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS  
Examiner: David J. Blanchard  
Art Unit: 1642

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 23<sup>rd</sup> day of June, 2005.

  
Emily E. Zukauskas

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

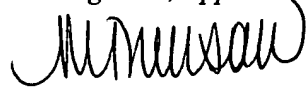
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

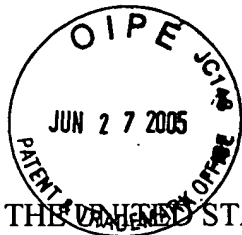
Respectfully submitted,  
*Krieg et al., Applicant*

By:



Maria A. Trevisan, Reg. No.: 48,207  
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Docket No.: C1039.70035US00  
Date: June 23 2005  
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DOCKET NO.: C1039.70035US00

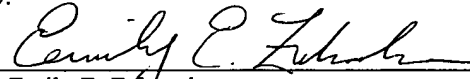
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 23<sup>rd</sup> day of June, 2005.

  
Emily E. Zukauskas

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

06/29/2005 RMEBRANT 00000032 09669187

01 FC:1806

180.00 OP

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application. The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1037.70035US01	10/532,746	April 26, 2005	Ahluwalia et al.
*C1037.70047US01	11/099,683	April 4, 2005	Krieg et al.
*C1037.70050US01	10/952,254	September 27, 2004	Uhlmann et al.
*C1037.70052US00	10/668,050	September 22, 2003	Bratzler et al.
*C1037.70053US01	11/061,140	February 18, 2005	Lipford et al.
*C1037.70054US01	10/973,927	October 25, 2004	Lipford et al.
*C1039.70044US01	11/056,463	February 11, 2005	Hartmann et al.
*C1039.70048US03	10/831,647	April 23, 2004	Krieg et al.
*C1039.70048US11	10/928,762	August 26, 2004	Krieg et al.
*C1039.70048US12	10/956,745	October 1, 2004	Krieg et al.
*C1039.70048US13	10/956,494	October 1, 2004	Krieg et al.
*C1039.70048US14	10/972,301	October 22, 2004	Krieg et al.
*C1039.70048US15	10/987,146	November 12, 2004	Krieg et al.
*C1039.70048US16	11/031,460	January 7, 2005	Krieg et al.
*C1039.70048US17	11/036,527	January 14, 2005	Krieg et al.
*C1039.70048US18	11/067,587	February 25, 2005	Krieg et al.
*C1039.70049US01	11/110,189	April 19, 2005	Krieg et al.
*C1039.70060US01	11/127,654	May 12, 2005	Krieg et al.
C1039.70071US00	10/435,656	May 9, 2003	Krieg et al.
*C1039.70077US00	10/619,279	July 14, 2003	Krieg
*C1039.70077US01	11/071,836	March 3, 2005	Krieg

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

Serial No.: 09/669,187  
Conf. No.: 2999

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Art Unit: 1642

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1039.70083US11	11/067,516	February 25, 2005	Krieg et al.
*C1039.70083US12	11/128,127	May 11, 2005	Krieg et al.
*C1039.70083US13	11/127,797	May 11, 2005	Krieg et al.
*C1039.70083US14	11/127,803	May 11, 2005	Krieg et al.
*C1041.70005US01	10/811,226	March 26, 2004	Wagner et al.
*C1041.70016US02	11/084,777	March 18, 2005	Bauer et al.
*C1041.70034US01	10/978,283	October 29, 2004	Uhlmann et al.
*C1041.70040US00	10/666,844	September 19, 2003	Lipford et al.
*C1041.70043US01	10/977,560	October 29, 2004	Jurk et al.

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed Office Action from a corresponding U.S. Non-Provisional Application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type of Communication</u>
C1039.70069US00	10/314,578	April 20, 2005	Office Action

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

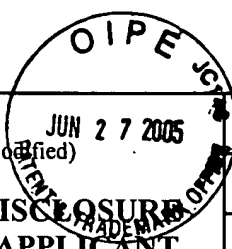
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Krieg et al., Applicant*

By:   
\_\_\_\_\_  
Maria A. Trevisan, Reg. No. 48,207  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1039.70035US00  
Date: June 23, 2005  
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		APPLICATION NO.: 09/669,187		ATTY. DOCKET NO.: C1039.70035US00	
		FILING DATE: September 25, 2000		CONFIRMATION NO.: 2999	
		APPLICANT: Krieg et al.			
		GROUP ART UNIT: 1642		EXAMINER: David J. Blanchard	
Sheet	1	of	3		

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A43	6,653,292	B1	Krieg et al.	11-25-2003
	A44	6,727,230	B1	Hutcherson et al.	04-27-2004
	A45	6,821,957	B1	Krieg et al.	11-23-2004
	A46	2001-0044416	A1	McCluskie et al.	11-22-2001
	A47	2002-0091097	A1	Bratzler et al.	07-11-2002
	A48	2002-0156033	A1	Bratzler et al.	10-24-2002
	A49	2002-0164341	A1	Davis et al.	11-07-2002
	A50	2002-0165178	A1	Schetter et al.	11-07-2002
	A51	2002-0198165	A1	Bratzler et al.	12-26-2002
	A52	2003-0026782	A1	Krieg et al.	02-06-2003
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	A54	2003-0050261	A1	Krieg et al.	03-13-2003
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	A60	2003-0100527	A1	Krieg et al.	05-29-2003
	A61	2003-0104523	A1	Bauer et al.	06-05-2003
	A62	2003-0139364	A1	Krieg et al.	07-24-2003
	A63	2003-0148316	A1	Lipford et al.	08-07-2003
	A64	2003-0148976	A1	Krieg et al.	08-07-2003
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	A66	2003-0181406	A1	Schetter et al.	09-25-2003
	A67	2003-0191079	A1	Krieg et al.	10-09-2003
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	A77	2004-0092472	A1	Krieg	05-13-2004
	A78	2004-0106568	A1	Krieg et al.	06-03-2004
	A79	2004-0131628	A1	Bratzler et al.	07-08-2004
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FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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of

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APPLICATION NO.: 09/669,187

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FILING DATE: September 25, 2000

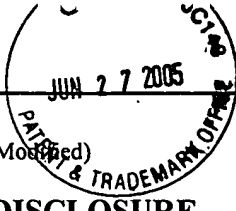
CONFIRMATION NO.: 2999

APPLICANT: Krieg et al.

GROUP ART UNIT: 1642

EXAMINER: David J. Blanchard

	A81	2004-0142469	A1	Krieg et al.	07-22-2004
	A82	2004-0143112	A1	Krieg et al.	07-22-2004
	A83	2004-0147468	A1	Krieg et al.	07-29-2004
	A84	2004-0152649	A1	Krieg	08-05-2004
	A85	2004-0152656	A1	Krieg et al.	08-05-2004
	A86	2004-0152657	A1	Krieg et al.	08-05-2004
	A87	2004-0162258	A1	Krieg et al.	08-19-2004
	A88	2004-0162262	A1	Krieg et al.	08-19-2004
	A89	2004-0167089	A1	Krieg et al.	08-26-2004
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	A94	2004-0198688	A1	Krieg et al.	10-07-2004
	A95	2004-0229835	A1	Krieg et al.	11-18-2004
	A96	2004-0234512	A1	Wagner et al.	11-25-2004
	A97	2004-0235770	A1	Davis et al.	11-25-2004
	A98	2004-0235774	A1	Bratzler et al.	11-25-2004
	A99	2004-0235777	A1	Wagner et al.	11-25-2004
	A100	2004-0235778	A1	Wagner et al.	11-25-2004
	A101	2004-0266719	A1	McCluskie et al.	12-30-2004
	A102	2005-0004061	A1	Krieg et al.	01-06-2005
	A103	2005-0004062	A1	Krieg et al.	01-06-2005
	A104	2005-0009774	A1	Krieg et al.	01-13-2005
	A105	2005-0032734	A1	Davis et al.	02-10-2005
	A106	2005-0032736	A1	Krieg et al.	02-10-2005
	A107	2005-0037403	A1	Krieg et al.	02-17-2005
	A108	2005-0037985	A1	Krieg et al.	02-17-2005
	A109	2005-0042203	A1	Davis et al.	02-24-2005
	A110	2005-0043529	A1	Davis et al.	02-24-2005
	A111	2005-0049215	A1	Krieg et al.	03-03-2005
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	A113	2005-0054601	A1	Wagner et al.	03-10-2005
	A114	2005-0054602	A1	Krieg et al.	03-10-2005
	A115	2005-0059619	A1	Krieg et al.	03-17-2005
	A116	2005-0059625	A1	Krieg et al.	03-17-2005
	A117	2005-0070491	A1	Krieg et al.	03-31-2005
	A118	2005-0075302	A1	Hutcherson et al.	04-07-2005
	A119	2005-0100983	A1	Bauer et al.	05-12-2005
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	A121	2005-0101557	A1	Krieg et al.	05-12-2005
	A122	2005-0119273	A1	Lipford et al.	06-02-2005



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Sheet	3	of	3					

FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B38	WO	01/62909	A1	Aventis Pasteur [FR]	08-30-2001	Abstract

OTHER ART — NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]